

only notes that "it is reported" that the entire 459-460 MHz band does not enjoy active use and that scanner monitoring of the entire band during regular business hours in the Washington, D.C. area revealed "very few transmissions within this band during the monitoring period."^{7/} Based on this scanty, and wholly inadequate assessment, the Engineering Statement concluded that the band experiences only low and intermittent usage levels and thus the entire band, including the 459.000 MHz channel, should be free for NVNG MSS sharing.^{8/}

6. This analysis reveals a basic misunderstanding of, and dangerous disregard for, the fundamental purpose of the Petroleum Radio Service oil spill response channel. The 459.000 MHz channel is licensed on a secondary basis to Petroleum Radio Service licensees for day-to-day operations. These licensees purposely do not utilize the channel for heavy traffic loads because the main purpose of the channel is to keep it clear for communications directly related to oil spill and containment operations. In the event of an oil spill or containment operation, the secondary users must immediately cease operations. The danger of substantial and harmful interference caused by NVNG MSS service uplinks to

^{7/} Id. at 5.

^{8/} Id.

primary oil spill and containment operations on this channel is intolerable. Oil spill and containment operations can occur practically anywhere and at anytime throughout the nation. API respectfully submits that the NVNG MSS proposal for use of the channel should be summarily rejected.

7. The Engineering Statement notes that up to 20 earth stations throughout the continental United States would operate with 459-460 MHz feeder uplinks.^{2/} API submits that the public interest would not be served by denying oil spill and containment coverage to the people and property affected by important spill and containment operations in those 20 areas.

8. API asks that this 25 kHz channel be removed from consideration for NVNG MSS operations. The Joint Comments contain a change in position on allocations by NVNG MSS proponents which concedes that land mobile spectrum is heavily utilized and that any sharing with non-geostationary MSS below 1 GHz would cause substantial and harmful interference to the land mobile services. It would be most unfortunate if the only land mobile channel targeted was one

^{2/} Id.

dedicated for communications directly related to oil spill containment and cleanup activities.

WHEREFORE, THE PREMISES CONSIDERED, API respectfully requests the Federal Communications Commission recommend that the United States refrain from seeking a worldwide allocation at WRC-95 for NVNG MSS operations at 459.000 MHz or in any other land mobile spectrum in accordance with the recommendation made herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patt Meyer, a secretary in the law firm of Keller and Heckman, do hereby certify that a copy of the foregoing RESPONSE TO JOINT SUPPLEMENTAL REPLY COMMENTS has been served this 7th day of June, 1995, by mailing U.S. first class, postage prepaid, to the following:

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